

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2008-000489

06/18/2014

HONORABLE J. RICHARD GAMA

CLERK OF THE COURT
J. Polanco
Deputy

ROBERT J HALT, et al.

MELANIE C MCKEDDIE

v.

SUNBURST FARMS EAST INC, et al.

EDWARD G HOCHULI

DAXTON R WATSON
JAMES L SULLIVAN
STEPHANIE MONROE WILSON
DOCKET-CIVIL-CCC

ORAL ARGUMENT SET

Central Court Building – Courtroom 701

2:03 p.m. This is the time set for Telephonic Status Conference. All parties appear telephonically. Plaintiffs/Counterdefendants (the “Halt/Braden Parties”) are represented by counsel, Melanie C. McKeddie. Defendant/Counterclaimant Sunburst Farms East, Inc., (the “Association”) is represented by counsel, James L. Sullivan and Stephanie Monroe Wilson. Counterdefendant Sunburst Farms East, Inc. and Third-Party (“Director”) Defendants are represented by counsel, Whitney M. Harvey.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

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The Court acknowledges receipt and review of the following: 1) Sunburst Farms' Motion to Enter Order Approving Waiver of Right to Joinder and Consent to be Bound Only by Declaratory Judgment Regarding Enforceability of CC&Rs; 2) Notice of Service of the Braden Parties' Rule 68 Offer of Judgment; 3) Motion to Reinstate Dismissal of the Braden Parties' Counterclaims and Third Party Complaint; and 4) the Halt/Braden Parties' Notice of Lodging Amended Form of Judgment.

Discussion is held regarding the pending motions and the status of the case.

Further discussion is held regarding the time needed for Ms. McKeddie to complete and submit her motion to dismiss and proposed amended form of judgment. Based thereon,

IT IS ORDERED that the Halt/Braden Parties shall file their supplemental motion and proposed form of judgment within thirty (30) days from today's date, and by no later than **July 18, 2014**.

Counsel for the Association addresses the Court regarding the preparation and circulation of a waiver to the homeowners. Discussion is held regarding same. Accordingly,

IT IS ORDERED that the Association may prepare a waiver that is structurally compliant with Rule 19 for circulation to the homeowners within the community.

IT IS FURTHER ORDERED setting Oral Argument on **October 3, 2014 at 1:30 p.m.** in this division. Time allotted: 1 hour. Counsel may appear telephonically if they so choose.

HON. J. RICHARD GAMA
Judge of Superior Court of Arizona
201 W. Jefferson - CCB
7th Floor – Courtroom 701
Phoenix, Arizona 85003
(602) 506-1245

Argument will be presented to the Court on the following motions:

1. The Halt/Braden Parties' forthcoming Motion to Dismiss and Notice of Lodging Amended Form of Judgment; and
2. Defendants' Motion to Reinstate Dismissal of the Braden Parties' Counterclaims and Third Party Complaint, filed on April 22, 2014.

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The Court will not honor agreements by the parties to modify the briefing schedule set forth in the Rules of Civil Procedure unless it is notified in writing of the terms of the agreement before the rule-imposed deadline **expires and** the motion is fully briefed at least 5 judicial days prior to the hearing.

IT IS ORDERED that all motions, responses, replies and other Court requested filings in this case must be submitted individually. Counsel shall not combine any motion with a responsive pleading. All motions are to be filed separately and designated as such. No pleadings will be accepted if filed in combination with another.

Brief discussion is held regarding the deadline for the Halt/Braden Parties to file their responses to outstanding motions. Accordingly,

IT IS ORDERED that the Halt/Braden Parties shall file their responses to any outstanding motions within thirty (30) days of today's date, and by no later than **July 18, 2014**.

2:29 p.m. Matter concludes.

LATER:

Pursuant to the request of counsel and good cause appearing,

IT IS ORDERED directing the Clerk of Court Docket personnel to update ICIS and Docket to add both James L. Sullivan (014907) and Stephanie Monroe Wilson (016666) as additional attorneys of record for Defendant Sunburst Farms East, Inc.